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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,732	06/26/2003	Yoichiro Yamamoto	MTW-001	6511

959 7590 06/01/2005
LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

EXAMINER

WILLIAMS, THOMAS J

ART UNIT PAPER NUMBER

3683

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/607,732	YAMAMOTO ET AL.	
	Examiner	Art Unit	
	Thomas J. Williams	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9,11,14 and 15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 3,6,9,14 and 15 is/are allowed.
6) ☒ Claim(s) 1,4 and 10 is/are rejected.
7) ☒ Claim(s) 2,5 and 11 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed March 28, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by US 3,273,505 to Miles et al.

Miles et al. disclose an electromagnetic actuator comprising: a core 76/78 having an annular groove and a first tapering surface; a coil 66 is accommodated in the groove; an armature 56 is arranged entirely radially outside the core, the armature has a second tapering surface complementary the first tapering surface; an annular restriction member 84 is provided between the outer circumferential surface of the core (note flange portion of 84 disposed on the outer surface of the core) and the inner circumferential surface of the armature, member 84 will prevent radial movement of the armature relative to the core.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2,025,098 to Dudick in view of Miles et al.

Re-claim 1, Dudick teaches an electromagnetic brake, comprising: a multi-plate brake mechanism; the brake is actuated by an electromagnetic actuator having a core (that is ring shaped), a coil and an armature, the armature is connected to a cylindrical pressure plate. However, Dudick fails to teach the electromagnetic actuator as having a ring-like armature member having a second tapering surface complementary a first tapering surface of the core, or a first annular restriction member for preventing radial movement of the armature, wherein the restriction member is located between the outer circumferential surface of the core and the inner circumferential surface of the armature.

Miles et al. teach an electromagnetic actuator having the above recited features (see also paragraph 3 of this Office action). It would have been obvious to one of ordinary skill in the art to have utilized the actuator taught by Miles et al. when having assembled the brake device of Dudick, thus provided the brake device of Dudick with an actuator having an improved magnetic circuit and improved performance characteristics.

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Re-claim 4, Miles et al. teach an elastic biasing element adjacent an end of the core. However, Miles et al. fail to teach the elastic element between the core and armature. It would have been obvious to one of ordinary skill in the art to have simply rearranged the elastic element to a position between the armature and core, thus reducing the number of parts (such as the spring seating elements) required for supporting the spring outside the core and armature, furthermore the operation of the actuator would have remained unaffected by the rearrangement of the elastic element, see MPEP 2144.04 section VI, subsection C.

Allowable Subject Matter

7. Claims 3, 6, 9, 14 and 15 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: regarding claim 3, the prior art of record fails to anticipate or render obvious an electromagnetic brake actuator having a first, second, third and fourth tapering surface in combination with a ring-like armature member arranged radially outside of the ring-like core member; regarding claim 6, the prior art of record fails to anticipate or render obvious an electromagnetic brake actuator having a first, second, third and fourth tapering surface inclined in a same direction with respect to the axis of the ring-like core member.

9. Claims 2, 5 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed March 28, 2005 have been fully considered but they are not persuasive. The applicant contends, in the instant invention, that armature 98 is completely

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located radially outside the core 90. However, a portion of the armature is actually located axially from the core, see figure 4. Note the far right side of the core that extends upwards and connects with element 71a. This end portion of the core is actually located axially from armature 98, thus the armature is not located entirely radially outside the core, unless only the portions radially adjacent the core are taken into consideration. This line of reasoning would support the rejection of Miles et al., since all radially adjacent portions of the armature are located radially outside the core, specifically the tapered portions. As such it is the opinion of the examiner that each and every element of the claim has been properly addressed.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128.

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The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci, can be reached at 571-272-7099. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

May 25, 2005

THOMAS WILLIAMS
PATENT EXAMINER

Thomas Williams

AU 3683

5-26-05